

BEFORE THE TENNESSEE ETHICS COMMISSION

In re:)	No. 2008-03
)	
AMERICAN LEGAL FINANCE)	
ASSOCIATION,)	
)	
Respondent.)	

ORDER FINDING GOOD CAUSE

This matter came on to be heard by the Tennessee Ethics Commission ("Commission") on June 24, 2008, at its regularly scheduled meeting upon Commission staff's presentation of documentation substantiating that Respondent failed timely to file a Semi-Annual Lobbying Expenditure Report which each employer of a lobbyist is required to file pursuant to Tenn. Code Ann. § 3-6-303(a).

FINDINGS OF FACT

Based on the entire record in this matter, the Commission finds as follows:

1. Registration. American Legal Finance Association was registered as an employer of a lobbyist for 2007.

2. Semi-Annual Lobbying Expenditure Report.

A. In October 2007, Commission staff notified American Legal Finance Association by electronic mail that it was required to file a Semi-Annual Lobbying Expenditure Report ("Report") for the period ending September 30, 2007, and that such Report was due to be filed by November 15, 2007.

B. As of November 15, 2007, American Legal Finance Association had not filed its Report for the period ending September 30, 2007.

C. On December 5, 2007, Commission staff mailed American Legal Finance Association a Notice of Failure to File Semi-Annual Lobbying Expenditure Report by first class mail.

D. American Legal Finance Association did not respond to said Notice and did not file its Report.

E. American Legal Finance Association timely filed its Report for the period ending March 31, 2007.

F. American Legal Finance Association is in possession of the Commission's manual for lobbyists and employers of lobbyists as required by Tenn. Code Ann. § 3-6-114(c)(1), which contains the requirement of filing Reports.

G. American Legal Finance Association had sufficient notice of the requirement of filing the Report for the period ending September 30, 2007, in advance of its due date of November 15, 2007.

3. Notice of violation.

A. On March 12, 2008, and March 24, 2008, Commission staff sent American Legal Finance Association, by certified mail, return receipt requested, a Notice that the Commission intended to consider assessment of civil penalties against American Legal Finance Association at its April 22, 2008 meeting, because of its failure to file its Report by November 15, 2007 ("Show Cause Notice")

B. The Show Cause Notice set forth the allegations, the maximum amount of civil penalties that could be assessed, the date, place, and time of the meeting, and American Legal Finance Association opportunity to participate in an informal proceeding at the meeting either by appearing personally or by submitting a sworn statement and documents.

C. The Commission received a return receipt substantiating that American Legal Finance Association received the Show Cause Notice on March 28, 2008.

4. Showing of Cause. American Legal Finance Association did submit correspondence explaining its failure to file its Report by November 15, 2007. American Legal Finance Association had not employed a lobbyist since May 2006 (although it was paying retainer fees to the lobbyist through December 2006.)

CONCLUSIONS OF LAW

1. American Legal Finance Association had no duty under Tenn. Code Ann. § 3-6-303(a) to file a Report for the six (6) month period ending September 30, 2007.

2. Therefore, American Legal Finance Association did show good cause why it failed to file its Report by November 15, 2007.

3. Therefore, pursuant to Tenn. Code Ann. § 3-6-303(a), no civil penalty may be imposed.

ORDER

It is therefore ORDERED as follows:

1. American Legal Finance Association did show good cause why it failed to file its Report by November 15, 2007.

2. The Executive Director shall enter this Order.
3. The Executive Director shall cause a copy of this Order to be provided to the Respondent, by either personal service, certified mail, return receipt requested, or overnight delivery.

SO ORDERED, this 30th day of June, 2008

TENNESSEE ETHICS COMMISSION

By: _____
Bruce A. Androphy, Executive Director